

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

ADRIAN BUTLER,)
vs.)
Plaintiff,)
vs.)
CAROLYN W. COLVIN,)
Acting Commissioner of Social Security,)
Defendant.)
)
)
)
)
)
Civil No. 16-cv-866-JPG-CJP

MEMORANDUM AND ORDER

GILBERT, District Judge:

This matter is now before the Court on the parties' Joint Stipulation to Remand to the Commissioner (Doc. 19).

The parties agree that this case should be remanded to the agency for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g). A sentence four remand (as opposed to a sentence six remand) depends upon a finding of error, and is itself a final, appealable order. *See Melkonyan v. Sullivan*, 501 U.S. 89 (1991); *Perlman v. Swiss Bank Corp. Comprehensive Disability Prot. Plan*, 195 F.3d 975, 978 (7th Cir. 1999). Upon a sentence four remand, judgment should be entered in favor of plaintiff. *Schaefer v. Shalala*, 509 U.S. 292, 302-03 (1993).

The parties stipulate that, on remand, the ALJ will hold a new administrative hearing, reevaluate whether plaintiff could perform his past relevant work or other work that exists in the economy, obtain supplemental vocational expert testimony, and issue a new decision.

For good cause shown, the parties' Joint Stipulation to Remand (Doc. 19) is **GRANTED**.

The final decision of the Commissioner of Social Security denying Adrian Butler's

application for social security benefits is **REVERSED** and **REMANDED** to the Commissioner for rehearing and reconsideration of the evidence, pursuant to **four** of 42 U.S.C. § 405(g).

The Clerk of Court is directed to enter judgment in favor of plaintiff.

IT IS SO ORDERED.

DATED: November 28, 2016.

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE